Venture Tape Corp v. McGills Glass Warehouse et al Doc. 1

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

Venture Tape Corp.

V.

McGills Glass Warehouse, and Don Gallagher

United States District Court Southern District of Texas FILED

DEC 28 2007

Michael N. Milby, Clerk

CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT

Case Number: CA 03-11045-MEL

MC-07-713

I, SARAH A. THORNTON Clerk of the United States district court certify that the attached judgment is a true and correct copy of the original judgment entered in this action 12/21/06 (Date), as it appears in the records of this court, and that

* Although an appeal was filed on January 19, 2007 and is still pending, the District Court entered an Order on October 24, 2007 ALLOWING the Plaintiff's Motion to Register the Judgment in Texas, California, and Delaware.

IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court.

12/21/07
Date

SARAH A. THORNTON
Clerk

Karen Folan
(By) Deputy Clerk

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

*Insert the appropriate language: ..."no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed." ..."no notice of appeal from this judgment has been filed, and any motions of the kinds listed in Rule 4(a) of the Federal Rules of Appellate Procedure (†) have been disposed of, the latest order disposing of such a motion having been entered on [date]." ..."an appeal was taken from this judgment and the judgment was affirmed by mandate of the Court of Appeals issued on [date]. ..."an appeal was taken from this judgment and the appeal was dismissed by order entered on [date]."

(†Note: The motions listed in Rule 4(a), Fed. R. App. P., are motions: for judgment notwithstanding the verdict; to amend or make additional findings of fact; to alter or amend the judgment; for a new trial; and for an extension of time for filing a notice of appeal.)

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

VENTURE TAPE CORP. Plaintiff, v. MCGILLS GLASS WAREHOUSE and DON GALLAGHER Defendants	Civil Action No. 03-CV-11045 (MEL)

Judgment

For the reasons set forth in the Court's Memorandum and Order dated April 10, 2006 granting Summary Judgment for the Plaintiff [docket entry # 56], and its Endorsement dated December 12, 2006 granting Plaintiff's Motion for Damages [docket entry # 64], final judgment shall enter for the Plaintiff Venture Tape Corporation against the Defendants McGills Glass Warehouse and Don Gallagher in the amount of **four-hundred twenty-six thousand four-hundred eighty-six dollars and ninety-eight cents ($426,486.98)**. This Judgment incorporates the Permanent Injunction issued by the Court on December 13, 2006 [docket entry # 65].

It is so Ordered:

Dated: December 21, 2006
Boston, Massachusetts

Morris E. Lasker

I hereby certify on 1/23/07 that the foregoing document is true and correct copy of the
☐ electronic docket in the captioned case
☐ electronically filed original filed on
☑ original filed in my office on 12-21-06
Sarah A. Thornton
Clerk, U.S. District Court
District of Massachusetts

By: ______
Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

VENTURE TAPE CORP. Plaintiff, v. MCGILLS GLASS WAREHOUSE and DON GALLAGHER Defendants	Civil Action No. 03-CV-11045 (MEL)

ORDER

On December 13, 2006, this Court entered final judgment against the Defendants in the amount $426,486.98 ("the Judgment"). In order to secure the Judgment pending appeal, the Plaintiff, moved to register the Judgment in Texas, California and Delaware pursuant to 28 U.S.C. § 1963. In response, the Defendants filed a Motion to Stay the execution of the Judgment, in which they asserted that they were willing to place $500,000.00 into an interest-bearing bank account with the United Commercial Bank in order to stay the Judgment.

After holding a hearing on the Parties' post-Judgment Motions on August 21, 2007 (at which the Defendants did not appear), this Court issued an Order on August 22, 2007 requiring the Defendants to place $500,000.00 into an interest-bearing bank account with the United Commercial Bank within fourteen days in order to stay the Judgment. The Court also delayed its ruling on Plaintiff's Motion to Register the Judgment to give the Defendants time to comply with the Order. To date, the Defendants have failed to comply with this Order or otherwise post a bond to stay the Judgment.

As a result of the Defendants' failure post a bond to stay the Judgment, the Plaintiff has requested that its Motion to Register the Judgment be allowed and that it otherwise be allowed to pursue the execution the Judgment. After holding a hearing on the issues on October 11, 2007 (at which the Defendant, Don Gallagher, attended via telephone), this Court finds that the Plaintiff has shown "good cause" under 28 U.S.C § 1963 to register the Judgment in other districts because the Defendants have refused to post a bond and lack sufficient property in this District, but appear to have property in other districts to satisfy the Judgment. In short, the Plaintiff is entitled to pursue the execution of the Judgment.

Accordingly, Plaintiff's Motion to Register the Judgment in Texas, California and Delaware is ALLOWED.

ENTERED as an Order of this Court this 24 day of October 2007.

So Ordered:

Morris E. Lasker
U.S. District Judge

I hereby certify on 12-21-07 that the foregoing document is true and correct copy of the
☐ electronic docket in the captioned case
☐ electronically filed original filed on
☑ original filed in my office on 10-24-07
Sarah A. Thornton
Clerk, U.S. District Court
District of Massachusetts
By: Deputy Clerk